

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Office Action and respectfully request reconsideration in view of the foregoing amendments and the following remarks.

The Applicants originally submitted Claims 1-42 in the application. In previous responses, the Applicants amended Claims 1, 12-13, 19, 25, 31-34 and 37 and cancelled Claims 9, 10, 15-17, 24, 29, 30, 35-36, 41 and 42. In this response, the Applicants amend Claims 1, 19, 25, 31 and 37 without prejudice or disclaimer, and add new Claims 43-52. Support for these amendments may be found, *e.g.*, in ¶¶ [0077]-[0079], [0081], and [0082] of the written description as filed. Accordingly, Claims 1-8, 11-14, 18-23, 25-28, 31-34, 37-40 and 43-52 are currently pending in the application.

#### **I. Substance of Applicant-Initiated Interview**

The Examiner and the Applicants' undersigned representative discussed aspects of the Application and the references of record in a telephone conversation on December 1, 2009. The Applicants' representative directed the Examiner's attention to the aspect of coordination of first and second communication channels described in the Application. The Applicants' representative also presented a draft claim amendment consistent with the scope of the amended claims presented herewith. The Examiner indicated that the amendments likely render the claims nonobvious over the references of record, and that additional searching is needed to determine allowability of claims. The Applicants wish to convey their appreciation to the Examiner for courtesies extended in this discussion.

**II. Rejection of Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 31, 32, 34, 37-38 and 40 under 35 U.S.C. § 103**

The Office has rejected Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 34, 37-38 and 40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,884,032 to Bateman, *et al.* ("Bateman") in view of U.S. Patent No. 6,456,699 to Burg, *et al.* ("Burg"). The Applicants respectfully traverse the rejection in view of the present amendment.

Addressing Claim 1, as applied in the Office Action the combination of Bateman and Burg fails to teach or fairly suggest each and every element of the amended claim. For example, Claim 1 as amended includes the feature "coordinating the first communication channel and the second communication channel", where the coordination includes "determining ... that the second communication is related to the first communication" and "transmitting, via the second communication channel, a computer generated voice message that includes an instruction to select the link". Moreover, the determining feature is performed "after said receiving".

The Office Action asserts that Bateman teaches various elements of Claim 1. (*See, e.g.*, page 3.) The Action acknowledges that Bateman fails to teach each and every element of the claim, and cites Burg for the missing elements. (*See* page 4.)

However, the Applicants respectfully assert that as the Office Action applies Bateman and Burg, the combination fails to teach "coordinating the first communication channel and the second communication channel" as set forth in amended Claim 1. Even if, *arguendo*, the cited combination teaches coordination, it fails to teach that such coordination includes the features of determining and transmitting as recited in the claim. Moreover, the combination as asserted fails to teach that

determining is done after receiving the first communication as recited in the claim. Thus, the Office Action does not show that the coordination feature of amended Claim 1 is taught or fairly suggested by the combination of Bateman and Burg. The asserted combination therefore does not support a *prima facie* case of obviousness of amended Claim 1, and the claim is allowable thereover. Amended claims 19, 25, 31 and 37 are also allowable, *mutatis mutandis*. Claims 2, 6-8, 11, 14, 20, 22-23, 26, 28, 32, 34, 38 and 40 are allowable at least because they each depend from an associated allowable base claim.

Accordingly, Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 31, 32, 34, 37-38 and 40 are allowable over the asserted combination of Bateman and Burg. The Applicants therefore respectfully request that the Office withdraw the rejection of these claims and allow issuance thereof.

### **III. Rejection of 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under 35 U.S.C. § 103**

The Office has rejected Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Burg, further in view of U.S. Patent No. 5,148,469 to Price ("Price") and further in view of U.S. Patent No. 6,279,125 to Klein ("Klein"). The Applicants respectfully traverse the rejection in view of the present amendment.

As set forth above, Bateman and Burg fail to support a *prima facie* case of obviousness of independent Claims 1, 19, 25, 31 and 37, as amended. The Office Action does not cite Price and Klein for teaching the aspects of these claims that are not taught or suggested by the asserted combination of Bateman and Burg. Therefore, Price and Klein as applied fail to cure the deficiency of the combination of Bate and Burg with respect to these aspects. Thus the asserted combination does not support a *prima facie* case of obviousness of Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39.

Accordingly, Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 are allowable over the asserted combination of Bateman, Burg, in further view of Price and Klein. The Applicants therefore respectfully request that the Office withdraw the rejection of these claims and allow issuance thereof.

#### **IV. New Claims 43-52**

New Claims 43-52 are presented herewith for examination. The Applicants respectfully assert that the feature of Claims 43-47, *e.g.*, “wherein selecting the link initiates a diagnostic test” is not taught or fairly suggested by the references of record as currently applied. The Applicants further respectfully assert that the feature of Claims 48-52, *e.g.*, “wherein said computer generated voice message is formed in response to said speech or DTMF signal” is not taught or fairly suggested by the references of record as currently applied. Accordingly, the Applicants respectfully request that the Office issue a Notice of Allowance for these claims.

**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-8, 11-14, 18-23, 25-28, 31-34, 37-40 and 43-52.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in cursive script, appearing to read "A. R. Ralston".

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